

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Malik Al-Mustafa El-Alamin, also known as
Eric Britten,

Civ. No. 07-4879 (ADM/JJK)

Plaintiff,

ORDER

v.

Kurt Radke, Jeffrey Miller, Elizabeth Dea,
Erick Fleck, and Minneapolis Police
Department,

Defendants.

Malik Al-Mustafa El-Alamin, 12826-041, U.S. Penitentiary P. O. Box 33, Terre Haute, IN 47808, *pro se*.

Sara J. Lathrop, Assistant City Attorney, 333 South Seventh Street, Suite 300, Minneapolis, MN 55402-2453, counsel for Defendants Kurt Radke, Jeffrey Miller Elizabeth Dea, and Minneapolis Police Department.

Julie K. Bowman, Assistant Hennepin County Attorney, A2000, 300 South Sixth Street, Suite A-2000, Minneapolis, MN 55487, counsel for Defendant Erick Fleck.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 9, 2008. No objections have been filed to that Report and Recommendation in the time period set by the Report and Recommendation or in the extended time period set by this Court (Doc. No. 85).

Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendants' Motions for Summary Judgment (Doc. Nos. 41 and 48) is **GRANTED**;

2. Plaintiff's Motion for a Fourth Continuance (Doc. No. 69) is **DENIED AS MOOT**;
3. Plaintiff's Motion to Stay Pending Criminal Appeal (Doc. No. 63) is **DENIED AS MOOT**;
4. Defendant's Motion to Compel Discover (Doc. No. 35) is **DENIED AS MOOT**; and
5. This case is **DISMISSED** with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 5, 2009

s/Ann D. Montgomery

Ann D. Montgomery
United States District Judge